

EXHIBIT 3

CAUSE NO. 19-06-07875

**IN RE THE CAROLYN S. CLARK
IRREVOCABLE LIVING TRUST
U/T/A JULY 28, 2017**

**§ IN THE DISTRICT COURT OF
§ MONTGOMERY COUNTY, TEXAS
§ 457th JUDICIAL DISTRICT**

**ORDER GRANTING PLAINTIFFS' LAWYERS' MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIMS WITH PREJUDICE UNDER THE TEXAS
CITIZENS' PARTICIPATION ACT**

On the 25 day of October, 2021, this Court considered the motions filed by Steven C. Earl, James E. Graham, and Stilwell, Earl & Apostolakis, LLP ("Lawyer Movants") Motion to Dismiss Defendants' Newly Pled Counterclaims with Prejudice under the Texas Citizens' Participation Act and the Defendants' Newly Pled Racketeering Counterclaims with Prejudice under the Texas Citizens' Participation Act (collectively the "Motion to Dismiss"), the pleadings, evidence a court could consider under Tex. R. Civ. P. 166a, supporting and opposing affidavits stating the facts on which the liability or defense is based, the oral testimony given in open court during the hearing, and the arguments of counsel.

The Court **FINDS** that the TCPA applies to the Motion to Dismiss because the Defendants' counterclaim seeks to restrict Plaintiffs from exercising their constitutional right to petition and right to exercise free speech.

The Court decides each Motion to Dismiss within 60 days of the filing of said motion.

The Court **FINDS** that the Lawyer Movants demonstrated that the Defendants' counterclaims asserting defamation, negligence and gross negligence, tortious interference, civil claims under the Racketeering Influenced and Corrupt Organizations Act (18 U.S.C. 1962 *et seq.*) are meritless responses to Plaintiff's and the Lawyer Movants exercise of rights described in Texas

Civil Practices and Remedies Code § 27.005(b)(1)-(2).

The Court **RULES** that Defendants failed to establish, by clear and specific evidence, a *prima facie* case for each essential element of the claim in question.

The Court **RULES** that the Lawyer Movants established the defenses of absolute privilege and immunity.

The Court **RULES** that the Lawyer Movants' Motion to Dismiss is **MERITORIOUS** and **SHALL**, in all things, be **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Defendants **TAKE NOTHING** on the Defendants' counterclaims against the Lawyer Movants for defamation, negligence and gross negligence, tortious interference, civil claims under the Racketeering Influenced and Corrupt Organizations Act, which are and shall immediately be **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that, pursuant to Texas Civil Practices and Remedies Code § 27.009(a) and (c), awarded attorney's fees totaling an amount to be determined at an oral hearing set for oral hearing on October 29, 2022 at 10:30 am. in the 457th Judicial District Court, located at 301 North Main Street, Conroe, Texas 77301.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that, pursuant to Texas Civil Practices and Remedies Code § 27.009(a)(2), an additional amount as sanctions will be considered during the October 29, 2021 10:30 am hearing.

Signed on 10/25/2021 4:57:10 PM.



Judge Presiding

ENTRY REQUESTED :

STILWELL, EARL & APOSTOLAKIS, L.L.P.

By /s/Steven C. Earl
Steven C. Earl
State Bar No. 24002028
James E. Graham
State Bar No. 24102973
1400 Woodloch Forest Dr., Suite 590
The Woodlands, Texas 77380
Telephone: 281/419-6200
Telecopier: 281/419-0250
steven@woodlandstxlawfirm.com
cavyn@woodlandstxlawfirm.com
ATTORNEYS FOR PLAINTIFFS

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Scott on behalf of Steven Earl
Bar No. 24002028
heather@meslawfirm.com
Envelope ID: 58453162
Status as of 10/22/2021 2:19 PM CST

Associated Case Party: NicoleBDavis

Name	BarNumber	Email	TimestampSubmitted	Status
Geoffrey Christopher Sansom	24033159	gsansom@dmlawfirm.com	10/22/2021 12:34:08 PM	SENT

Associated Case Party: James Flitsch

Name	BarNumber	Email	TimestampSubmitted	Status
Steven CEarl		efiletxsce@gmail.com	10/22/2021 12:34:08 PM	SENT
Steven CEarl		steven@woodlandstxlawfirm.com	10/22/2021 12:34:08 PM	SENT
Heather Scott		heather@woodlandstxlawfirm.com	10/22/2021 12:34:08 PM	SENT
Jim Graham		jim@woodlandstxlawfirm.com	10/22/2021 12:34:08 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Steven Earl		steven@woodlandstxlawfirm.com	10/22/2021 12:34:08 PM	SENT

Associated Case Party: KristinDianeWilkinson

Name	BarNumber	Email	TimestampSubmitted	Status
Kristin Wilkinson		kristinwilkinson@use.startmail.com	10/22/2021 12:34:08 PM	SENT

Associated Case Party: Leonard Guardino

Name	BarNumber	Email	TimestampSubmitted	Status
Leonard Guardino		kristinwilkinson@use.startmail.com	10/22/2021 12:34:08 PM	SENT

Associated Case Party: KevinJClark

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Scott on behalf of Steven Earl
Bar No. 24002028
heather@meslawfirm.com
Envelope ID: 58453162
Status as of 10/22/2021 2:19 PM CST

Associated Case Party: KevinJClark

Name	BarNumber	Email	TimestampSubmitted	Status
Jeanne L.Couture		jeannie@magnancouturelaw.com	10/22/2021 12:34:08 PM	SENT

Associated Case Party: NicoleB.Davis

Name	BarNumber	Email	TimestampSubmitted	Status
Nicole BDavis		nikki@davishyssy.com	10/22/2021 12:34:08 PM	SENT

Associated Case Party: CourtneyM.Lyssy

Name	BarNumber	Email	TimestampSubmitted	Status
Courtney MLyssy		courtney@davishyssy.com	10/22/2021 12:34:08 PM	SENT